

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HELEN AKAR,

Plaintiff,

No. C 05-01548 MHP

v.

MEMORANDUM & ORDER

Re: Motion to Remand

HOLIDAY INNS, INC., LIRA ROBLES,
GINO LASSARA and DOES 1 to 50,
inclusive,

Defendants.


Plaintiff Helen Akar filed this lawsuit in the Superior Court of the State of California in the County of San Francisco alleging four causes of action under California law: (1) violation of Government Code sections 12921 and 12940(a), (j) and (k); (2) wrongful discharge in violation of public policy; (3) violation of Government Code section 12940(k); and (4) breach of the implied covenant of good faith and fair dealing. On April 15, 2005 defendant Holiday Inns, Inc. removed the action to this court pursuant to 28 U.S.C. section 1441(b) on the basis of federal question jurisdiction. See 28 U.S.C. § 1331. The removal was premised on plaintiff's breach of the implied covenant of good faith and fair dealing claim, which arises under and is preempted by section 301 of the Labor Management Relations Act, 29 U.S.C. section 185. At no time did defendants assert diversity jurisdiction as a basis for removal.

Plaintiff agreed to dismiss the breach of implied covenant of good faith and fair dealing claim, defendants agreed and the court dismissed the claim on September 26, 2005. The remaining three claims against defendants are purely state law claims over which this court declines to exercise supplemental jurisdiction. See 28 U.S.C. § 1367(c)(1).

1 The action is hereby remanded to state court. The Clerk of Court shall transmit forthwith to
2 the Clerk of the Superior Court of San Francisco County a certified copy of this order.

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4 IT IS SO ORDERED.

5 Date: September 29, 2005


MARILYN HALL PATEL
District Judge
United States District Court
Northern District of California

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For the Northern District of California
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